

October 9, 2023

Ms. Kelly Ferraiolo
Wellington
Planning, Zoning & Building Department
12300 W. Forest Hill Boulevard
Wellington, FL 33414

Re: The Wellington North and South - #PTC22-001N.2

Dear Ms. Ferraiolo:

Pinder Troutman Consulting, Inc. (PTC) has completed a preliminary review of the Caltran Engineering Group Traffic Review Memorandum dated October 3, 2023, for the above referenced projects. The memorandum reviewed the traffic analyses based solely on compliance with Palm Beach County Traffic Performance Standards. The Memorandum does not appear to address or acknowledge that separate analyses and methodologies are required to address the Future Land Use Amendment (FLUA) of Wellington's Comprehensive Plan, and that Wellington has also adopted its own Traffic Performance Standards. Aside from these basic deficiencies in the Memorandum, the purpose of this letter is to address specifically the points raised in the memorandum.

Traffic Counts

The initial traffic analyses were submitted in July 2022. Wellington had been completing roadway link traffic counts in peak season of 2022; however, the report had not been finalized until June 2022. The submitted analyses used the 2022 roadway link counts. Based on review of the 2022 roadway link counts and discussions with Wellington staff, it was determined that because many of the 2022 traffic counts in this area were a decrease from the 2018 counts that use of the 2018 intersection traffic counts with four years of growth would provide a more conservative analysis than collection of counts in the 2022 off-peak season. Given the impacts of Covid on traffic count data and the review of 2022 data, a waiver of the 30 month criteria is appropriate.

Trip Generation

FLUA Analysis – Wellington North

Trip generation based maximum intensity land uses allowed under the approved and proposed land use designations are analyzed. For Wellington North, use of the multi-purpose recreational facility and park trip generation to address the commercial recreation land use has been an agreed upon methodology used in Wellington for different applications for several years. Use of the ITE rate for Horse Racetrack is inappropriate because there is only one study for a 3000 seat Horse Racetrack. ITE does not recommend use of data with only one study. Use of the MTP Group traffic study data for only 500 spectators does not address the maximum use of the site. The approved methodology results in trips that represent the maximum intensity uses for the site and are appropriate.

Concurrency Analysis – Wellington North

The approved trip generation methodology limiting the trips for the recreational facilities on site is considered reasonable given the limitations on membership. Additionally, a condition of approval for the project was recommended that limits the membership. Given the proposed reductions in residential uses, the limitations on the trips can be removed without generating any additional trips above that previously proposed.

Concurrency Analysis – Wellington South

The recommendation in this memorandum is to utilize a trip generation rate from a site in Maryland from the 1990s. Use of a local trip generation rate for the same equestrian use from 2016 is much more appropriate. Changes in the PBIEC showgrounds would not impact the trip generation rate per attendee.

Growth Rates

The memorandum states that data was missing from the growth calculation. It is evident that the reviewer is unfamiliar with engineering practices in Palm Beach County. In previous years, Palm Beach County collected only minimal traffic on Wellington roadways for only the links shown with the 2013 data. They have reduced that even further in recent years with elimination of counts on Wellington roadways in 2017. The 2014 and 2018 data were collected by Wellington. The resultant 1.29% growth rate is appropriately calculated and provides a conservative analysis because it is applied to higher 2018 intersection count data.

Traffic Distribution

Use of a regional model to establish local trip distribution is inappropriate for these smaller size projects that are not developments of regional impact. The memorandum states that less than 1% of the trips for Wellington North come from the northwest when examining the Palm Beach County to Miami Dade County region in the model. This proposed distribution is erroneous because it does not account for the commercial and educational uses located in the northwest of the Village along Greenview Shores Boulevard. The memorandum also states that the distribution to Palm Beach Point Boulevard for Wellington South is inappropriate given the regional model results. This argument is also flawed in that it does not consider the equestrian land uses in the area which more directly impact the distribution of traffic as opposed to development in Miami Dade County from the regional model. The distribution used in these studies is consistent with previously approved studies in the area based on local knowledge of the uses and roadway network and is appropriate.

Intersection improvements

Table 2 of the memorandum states that additional improvements at the South Shore Boulevard and Pierson Road intersection as well as turn lanes at the proposed driveways have not been included in the approvals. This is false because the additional improvements at the intersection and at the driveways are conditions of approval that would have been evident if the conditions had been included in this review.

The analysis of the SR 7 and Forest Hill Boulevard intersection included in the analyses is a requirement only of the more stringent Wellington Traffic Performance Standards and not the Palm Beach County standards. Level of Service (LOS) for the entire intersection (not individual movements) is the adopted standard. Additionally, an understanding of the Florida Statutes and how they apply to transportation deficiencies is not evidenced in this memorandum.

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In summary, these traffic analyses have been reviewed and approved by professionals with extensive knowledge of the appropriate Land development Codes and Comprehensive Plans, including Palm Beach County Traffic Division, Wellington staff and Wellington's traffic consultant. Comments were raised during the review process, and the reports were revised in response to the comments. The resultant traffic analyses meet the adopted standards of both Palm Beach County and Wellington.

Please contact me by phone or at atroutman@pindertroutman.com if you need any additional information or have any questions.

Sincerely,



Andrea M. Troutman, P.E.
President

October 9, 2023

Wellington Lifestyle Partners
13421 South Shore Boulevard
Wellington, Florida 33414

Attention: Ms. Paige Bellissimo

Reference: Caltran Engineering Group Traffic Review of Wellington North and South
Wellington, Florida

Dear Ms. Bellissimo:

We are in receipt of the Caltran Engineering Group traffic review letter of the Wellington North and South developments dated October 3, 2023. We disagree with these comments for the reasons stated herein. The comments by Caltran Engineering Group show a lack of familiarity and experience in preparing Traffic Impact Statements in Palm Beach County and the Village of Wellington. It should be noted the Wellington North and Wellington South traffic studies each included analysis for the Future Land Use Amendment (FLUA) and a traffic concurrency analysis. These two types of analyses utilize different methodologies per Palm Beach County Traffic and Village of Wellington standards. Both the Wellington North and Wellington South traffic studies have been thoroughly reviewed and vetted by the Palm Beach County Traffic Division as evidenced by the PBC TPS approval letters received and the Village of Wellington's Traffic Engineering consultant's review. We offer the following responses to the Caltran Engineering Group review letter:

1. Page 2 "Based on our assessment, the Traffic Impact Statements prepared for the proposed Wellington North and South developments do not meet Palm Beach County Traffic Performance Standards (TPS)"

S&W Response: The traffic studies meet the PBC TPS as evidenced by the TPS approval letters issued for the Wellington North site dated August 4, 2023 and the Wellington South site dated November 28, 2022.

2. Pages 7 and 8 discuss the traffic counts were collected in 2018 which is outside the 30 month window allowed by PBC and therefore should not be accepted.

S&W Response: The traffic study completed consisted of a substantially large study area and the latest traffic counts available were used. Due to the large number of roadways and intersection analyzed as part of the traffic study, some counts were collected in different years due to availability. The roadway segment analysis was based on peak season 2022 counts which the Village of Wellington provided. However, the Village did not collect intersection counts as part of their most recent Village wide traffic counts and volume study. A comparison of the 2018 to 2022 Village traffic counts were completed which showed a negative growth rate.

In summary, the 2018 traffic counts are higher and therefore, conservative traffic counts were used for the intersections. In addition, 2023 peak season intersection counts were collected as part of a different traffic study prepared by another engineering firm for the intersections of South Shore Boulevard at Pierson Road and South Shore Boulevard. The 2018 intersection counts used in our traffic study at these two intersections were higher than the recently collected peak season 2023 intersection counts at the same intersections. Further, a background growth rate of 1.0% was applied to the 2018 traffic counts to year 2022 to make the analysis even more conservative. The comparison of the 2018 and 2022 traffic counts were discussed with the Palm Beach County Traffic Division and they agreed the counts were acceptable to use which is evidenced by the fact they issued a TPS approval letter for each project.

3. Pages 8 and 9 state the trip generations rates do not comply with Article 12 of the Palm Beach County Traffic Performance Standards due to the use of the ITE Land Use Codes #411 (Public Park) and #435 (Multipurpose Recreational Facility) and instead argue ITE Land Use Code #452 (Horse Racetrack) should be used.

S&W Response: The aforementioned land uses were only used for the Land Use Plan Amendment portion of the traffic study. Palm Beach County Traffic Division does not review the Land Use Plan Amendment so the reference to the PBC TPS is irrelevant for this particular aspect of the traffic studies. Our office closely coordinated with the Village of Wellington's Traffic Engineer on the appropriate ITE land use code to use for this portion of the traffic study. The Village of Wellington required our office to use these land uses and rates as they represent a "maximum potential" trip generation for future land use purposes and there is precedence with other traffic studies using these land uses in the Village of Wellington for an Equestrian Commercial future land use.



4. Page 10 questions the reduction factors used for the golf course and recreational community center trip generation calculations.

S&W Response: The proposed golf course and sports complex will be private membership only and many of the members will be from the Wellington South and North sites which would have resulted in double counting of trips if no reduction factor was applied. Additionally, the golf course is already existing and was not considered an existing/vested use which is allowed. Finally, the overall development has been substantially reduced to now only include 96 dwelling units and reduced amenity intensity on the Wellington North site. The new trips based on the reduction in intensity plus the Coach House and no reduction for the golf course and recreational community center are less trips than the approved traffic study with 300 dwelling units and a reduced trip generation rate for the golf course and recreational community center. These trips calculations can still be considered conservative due to no internal capture reduction, no reduction for existing golf course, and a substantial amount of the private members will be within walking or golf cart distance from the facilities.

5. Page 12 provides a comparison of the Trip Generation between the Simmons & White, Inc. study and Caltran Engineering Group's suggested methodology for the maximum potential which includes using ITE Land Use Code #452 (Horse Race Track) and the trip generation calculations from the MTP Traffic Study previously prepared for the existing Equestrian Village site.

S&W Response: There are several issues with this comment. The ITE Land Use Code #452 (Horse Race Track) is not applicable to use as it does not compare to the type of equestrian uses in the Village. More importantly, the only traffic count data point for this land use was from Maryland in the 1990's. Their calculation on Page 12 indicates that the maximum trip generation for a 96.17 acre Equestrian Commercial site is only 300 daily trips and 55 P.M. peak hour trips. This is simply incorrect and the future land use maximum potential for this site should not be based on a 500 seat Horse Race Track. Additionally, the MTP traffic study prepared for the existing Equestrian Village Site Plan not Future Land Use showed a trip generation 5 times higher than the Horse Race Track calculation.



The purpose of the Future Land Use traffic study is to show the maximum trip generation. If the Horse Race Track is the maximum trip generation, the existing Equestrian Village site would not have been approved. Additionally, the MTP Traffic Study was used as the “existing conditions” for the zoning Site Plan/Master Plan traffic study methodology. However, it is not appropriate and does not represent the future land use maximum trip generation potential for a 96.17 acre equestrian commercial future land use.

6. Pages 13 and 14 provides similar comparisons for the Trip Generation between the Simmons & White, Inc. study and Caltran’s Engineering Group’s suggested methodology for the restricted potential of the proposed development.

S&W Response: The same response for the above is applicable for this page as well. Additionally, the trip generation associated with the golf course and recreational community center is discussed previously.

7. Page 15 critiques the S&W Traffic Study that Test 1 in the PBC TPS was not conducted for the Future Land Use Traffic Study.

S&W Response: Palm Beach County and the Village of Wellington do NOT require a Test 1 analysis for a Future Land Use traffic study. However, it should be noted a Test 1 analysis was conducted as part of the Master Plan/Site Plan traffic study which is shown in Tables 20-23 in the Wellington South Traffic Study.

8. Page 16 raises issues with the traffic counts collected and used as part of previous traffic studies conducted in 2013 and 2016 to determine a trip generation.

S&W Response: On a previous comment, Caltran Engineering Group argues that ITE Land Use Code #452 Horse Racetrack should be used for the equestrian commercial land use. However, this ITE land use has one count from the 1990’s from Maryland and is a different type of venue and use than the proposed development yet Caltran Engineering Group takes issue with actual traffic counts collected at the existing showgrounds.



The 2013 traffic count that is referenced in the S&W traffic study was solely used to derive a trip generation rate for a major event. It was used because data was collected as part of a previous traffic study for an event at the existing showgrounds and the number of spectators was known. This is common traffic engineering practice to derive trip generation rates and is acceptable. Any expansion of the showgrounds since then is irrelevant as it would not impact the trips per spectator rate. The spectator trip generation rate was also in-line with other major event like trip generation rates. For example, the event trip generation rate was nearly identical to the ITE Land Use Code #462 (Professional Baseball Stadium) for the P.M. peak hour of generator which is substantially higher than Caltran Engineering Group's reference of the Horse Racetrack.

The 2016 traffic counts collected at the showgrounds were similarly used to derive a trip generation rate for an average peak season weekday condition which is standard traffic engineering practice. It is likely the trip generation rates used as part of the study are on the conservative side. When comparing the 2016 counts and recent counts on Pierson Road, it is evident the 2016 trip generation counts from the showgrounds were on the higher side. Further, the traffic study conservatively assumes the showgrounds traffic will double with the expansion. However, there are numerous efficiencies by having a combined showgrounds location that will allow for additional internalization than otherwise would have been possible.

It is worth asserting these counts were only used to derive trip generation rates but the roadway segment analysis completed in the traffic study utilized the latest 2022 counts from the Village of Wellington. While some intersection counts were collected in 2018, these volumes were actually higher especially considering the background growth rate applied.

9. Page 16 also states the trip generation for a Saturday peak hour was calculated using 5,000 spectators.

S&W Response: This is not true. The 5,000 attendees were used for the regular weekday peak hour conditions and not the Saturday peak hour conditions. The Saturday peak hour conditions were based on an increase of 7,000 spectators from the existing showgrounds. The proposed showgrounds were estimated in the traffic study to have a total of 15,000 attendees combined between spectators, vendors, exhibitors, and staff. The Property Owner has committed to and is conditioned to not have simultaneous major events. Therefore, the peak season Saturday intersection counts that were used already reflected event traffic and therefore, only the increase in spectator capacity was used.



It should be noted a peak event for the new showgrounds is only expected a couple of times a season and not a weekly occurrence meaning the majority of events will be below capacity. Further, the current stadium design is smaller than what is projected in the traffic study.

10. Page 17 says Tables 4-6 of the Wellington South Traffic Study which is the Proposed Future Land Use Trip Generation Maximum Potential did not use internal capture percentages but Tables 7-9 which is the Proposed Future Land Use Trip Generation Restricted Potential does.

S&W Response: This is entirely immaterial since the traffic analysis was based on the Restricted Potential (Tables 7-9) and Tables 4-6 are shown for informational purposes only. Additionally, Tables 1-3 which is the Existing Future Land Use trip generation calculations does include internal capture which is what is used for the baseline/existing analysis.

11. Pages 18 and 19 states the growth rate calculations are missing the latest data from Palm Beach County Traffic and are missing data.

S&W Response: The growth rate calculations first compared traffic volumes from 2014 to 2018 and from 2018 to 2022. The years and data were chosen since the Village of Wellington collected comprehensive peak season traffic data during these years. The 2018 to 2022 data actually showed a negative growth rate in traffic. However, to be conservative a 1.0% growth rate was used between 2018 and 2022 for any intersection count collected in 2018. The 2014 to 2018 data showed a 1.29% growth rate and this was used as background growth between 2022 and 2027.

It should be noted the background growth for intersections and roadways is based on the highest of the area-wide growth rate or a 1% growth rate plus committed but unbuilt development project traffic. In most cases, the 1% growth rate plus committed but unbuilt project trips was the highest background growth and what was used. This is in compliance with both the PBC TPS and Wellington's Traffic Performance Standards.

Some Palm Beach County traffic data was used for certain roadways and when available. The 2013 data was only used in circumstances where 2014 data was not available and that is why it was only shown and used for certain roadways. This is noted in traffic study and in Table 12.



The notion that a 2.6% growth rate should be used is simply wrong. The 2.6% growth rate that Caltran Engineering Group suggests using is in part based on Wellington’s population growth from 1990 to 2000. Anybody familiar with the area knows that is not an accurate representation of growth moving forward. Further, using the population data on Page 19, the growth rate from 2010 to 2021 in the Village of Wellington is less than 1.0%.

12. Pages 19, 20, and 21 criticize the trip distribution of the traffic study along with the fact that no graphic exhibit was included showing the actual project trips, and suggests the Southeast Regional Planning Model (SERPM) should have been used for trip distribution.

S&W Response: The trip distribution was prepared based on existing traffic patterns, local knowledge, and coordination with the Village of Wellington’s Traffic consultant. While the project trip numbers are not graphically shown, they are included in detail for each of the roadway segments and intersections analyses tables as part of the comprehensive analysis prepared for both the Wellington North and South traffic studies. The SERPM can at times be a useful tool but has limitations and is rarely used in Palm Beach County and Wellington Traffic Impact Studies. The notion that less than 1% of the trips would be coming from and departing to the northwest of the site shows lack of local area knowledge.

13. Page 21 critiques the driveway volumes for the Wellington North site that too high of a percentage were placed on the exit only driveway on Pierson Road.

S&W Response: The exit only driveway on Pierson Road is available for residents in addition to staff. More importantly, this assignment does not have any material impact on the traffic study, analysis, or results.

14. Pages 22 and 23 discuss the improvements identified and questions the constructability and feasibility of the improvements.

S&W Response: A number of roadway improvements have been identified and are conditions of approval by the applicant. These improvements include new exclusive left turn lanes on Pierson Road at South Shore Boulevard, driveway turn lanes on South Shore Boulevard and Pierson Road, turn lane extensions on Gracida Street and Lake Worth Road, and proportionate share payments. The Property Owner is required to either construct or make a payment in lieu for these improvements.



The improvements on Pierson Road at South Shore Boulevard will provide a substantial traffic benefit to the Village. As documented in the traffic study, the intersection will operate with less delay with these improvements with the inclusion of the project trips than the background conditions without the project and without the improvements. The design and cost for this particular intersection is substantial and has long been contemplated by the Village including conceptual designs and cost estimates from both the Village and engineering consultants.

The Caltran Engineering Group’s letter also mentions failing intersections such as State Road 7 at Stribling Way and State Road 7 at Forest Hill Boulevard. These failures are considered background failures. Per Florida State Statutes and consistent with Palm Beach County Traffic and Village of Wellington procedures, background required improvements are not the responsibility of the applicant. Most importantly, the traffic study demonstrates the proposed project will have a minimal impact on these two intersections.

15. Page 24 states the report does not identify critical movement failures for the intersections and includes an example of a LOS E for the intersection of Pierson Road at South Shore Boulevard.

S&W Response: Both Palm Beach County Traffic Division and the Village of Wellington permit LOS E for individual movements for an intersection analysis provided the overall intersection is a LOS D or better. However, the Village of Wellington Traffic Performance Standards allow for a LOS E for the overall intersection within the Equestrian Preserve. Our traffic study went further than required and provided mitigation so the overall intersection will operate at LOS D.

16. Page 25 once again discusses the previously collected traffic volumes but this time relative to the driveway analysis performed in the study.

S&W Response: The driveway volumes are valid as previously discussed. To reiterate, it is likely the driveway volumes are conservative and overstated when comparing the previous data collection to the current Pierson Road traffic counts.



17. Page 26 questions the minimal impact at certain intersections and give an example of Forest Hill Boulevard and State Road 7. The comment states the southbound left turn will have a 160 second delay in the future conditions without improvements and then will continue to fail and have an 80 second delay even with improvements. Screenshots are then provided below.

S&W Response: There are several flaws with this comment. First, the screenshots do not show the 160 second or 80 second delays for the southbound left turn referenced so it hard to understand what is being referenced . Next, the screenshots show the background traffic with improvements compared to the total traffic conditions with project traffic but without improvements. This is an apples to oranges comparison and should be disregarded. Finally and most importantly, the results of the traffic study show the proposed developments only increase the peak hour delay for the intersection of Forest Hill Boulevard at State Road by an average of about one (1) second.

18. Page 27 brings up that 22 crashes have occurred between 2021 and 2023 and the Traffic Impact Statement does not address the crash data.

S&W Responses: Palm Beach County Traffic Division and the Village of Wellington do not require crash analysis as part of traffic concurrency studies. This comment lacks context as to whether 22 crashes over a 2.5 year time period is above or below expected averages. Notwithstanding, safety is important to everybody and the proposed improvements at the intersection of South Shore Boulevard at Pierson Road will provide a significant safety improvement.

19. Pages 27 and 28 discuss vehicle queuing in relation to the residential gatehouses and also queuing at the showgrounds.

S&W Response: The proposed residential development meets Village code requirements for residential gate setbacks. Additionally, the residential traffic will be further reduced due to reduction in intensity now proposed. The new showgrounds Site Plan has recently been submitted and the applicant will coordinate with Village staff on ensuring vehicle queuing is sufficiently mitigated for event traffic. The gatehouse on Gene Mische Way north of Gracida Street for example has been proposed to be relocated north to provide additional stacking capacity.



Ms. Paige Bellissimo
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In summary, our office has reviewed the traffic letter provided by Caltran Engineering Group for the Wellington North and South projects dated October 3, 2023. We unequivocally disagree with these comments for the reasons stated herein. The comments show a lack of local knowledge including familiarity and experience in preparing Traffic Impact Statements in Palm Beach County and the Village of Wellington. It should be noted the Wellington North and Wellington South traffic studies each included analysis for the Future Land Use Amendment (FLUA) and a traffic concurrency analysis. These two types of analyses utilize different methodologies per Palm Beach County Traffic and Village of Wellington standards. Both the Wellington North and Wellington South traffic studies have been thoroughly reviewed and vetted by the Palm Beach County Traffic Division as evidenced by the PBC TPS approval letters received and the Village of Wellington's Traffic Engineering consultant's review. The proposed developments are proposing and conditioned to substantial roadway improvements that will mitigate the project impacts and provide a benefit to Village residents. Finally, the traffic study, analysis, and proposed roadway improvement mitigation was based on conservative assumptions. The actual traffic impact will now be even lower due to the reduction in combined number of homes from 497 to 210 residential homes.

Sincerely,

SIMMONS & WHITE, INC.



Bryan Kelley, P.E.





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October 20, 2023

VIA EMAIL: jbarnes@wellingtonfl.gov;
lcohen@wellingtonfl.gov

Village Council
c/o Jim Barnes, Village Manager
c/o Laurie S. Cohen, Village Attorney
Village of Wellington
12300 Forest Hill Boulevard
Wellington FL, 33414

**Re: Village of Wellington - Comprehensive Plan Amendments (No. 02022-0003-CPA & 2022-002-CPA); Master Plan Amendments (No. 2022-0005-MPA and 2022-0004-MPA); and, Rezoning (No. 2022-0001-REZ);
Response to Response to South Florida Wildlands Association Letter**

Dear Village Council,

My client, Wellington Lifestyle Partners, LLC, requested that I, in concert with the project engineer, Sexton Engineering Associates, and the environmental consultant, M. J. Nichols & Associates, review the 27-page letter, dated October 4, 2023, from the South Florida Wildlands Association (the “Letter”) and respond to the environmental-related allegations therein. I respectfully request that this correspondence be made a part of the official record in the above-referenced proceedings.

In essence, the Letter requests that the Village of Wellington (the “Village”) entertain, evaluate, and otherwise become involved in a myriad of wetland and environmental resource issues that have been the subject of federal and state agency reviews for many years. Set forth below are the responses to the substantive environmental-related allegations in the Letter concerning the Wellington CountryPlace, P.U.D. (the “Project”).

RESPONSES TO ENVIRONMENTAL ISSUES

With respect to the Project site, the Letter makes numerous, unsubstantiated allegations regarding the scope of state and federal wetland jurisdiction, impacts to wetlands, the ecological value of wetlands within the Project and resultant adverse impacts to environmental resources of the area.

State Jurisdictional Wetlands pursuant to State Law and Regulations

The State of Florida Environmental Resource Permit (“ERP”) program grants the South Florida Water Management District (the “SFWMD”) the authority to require ERPs and impose detailed terms

and conditions to assure that the construction and operation of any storm water management (“SWM”) system, comply with the provisions of F.S. Ch. 373 and the extensive regulations promulgated thereunder, and will not harm water resources. Among other things, F.S. §373.414 directs the SFWMD to require applicants for an ERP to provide reasonable assurances that state water quality standards will not be violated. Additionally, ERP rules require applicants to eliminate or reduce development impacts to wetlands and demonstrate that the permitted activity in or on surface waters or wetlands will not be contrary to the public interest. See. F.S. §373.414(1). Moreover, if an applicant is unable to eliminate or reduce wetland impacts and meet these criteria, F.S. §373.414(1)(b) requires the permitting agency to consider measures to offset adverse effects that may be caused by the development activity.

F.S. §373.414(1)(b) (4) further provides:

*If mitigation requirements imposed by a local government for surface water and wetland impacts of an activity regulated under this part cannot be reconciled with mitigation requirements approved under a permit for the same activity issued under this part [Chapter 373, F.S.], the mitigation requirements...including application of the uniform wetland mitigation assessment method.... **shall be controlled by the permit [ERP] issued under this part** (emphasis added).*

SFWMD has conducted an expansive, multiyear review of all of the isolated and contiguous wetlands within the Project (f/k/a Wellington CountryPlace, P.U.D.), a Planned Unit Development, which includes Parcel B (a/k/a Pod G), Pod E and Pod F. More than 80% of the jurisdictional wetlands within the Project have been fully assessed, reviewed and permitted for impact by the SFWMD. The wetlands under state jurisdiction, except for any wetlands within the southern half of Parcel B, or approx. 40 acres have been reviewed and permitted by the SFWMD.

Specifically, following a multiyear permit application review process, the SFWMD issued an ERP for a majority of the Project on July 30, 2012. In the ERP Staff Report (the “ERP Report”), the SFWMD concluded that the Project was providing water quality treatment in excess of that required by the regulations. Both *direct* and indirect impacts to any state jurisdictional wetlands, which include isolated wetlands, have been fully mitigated through the purchase of wetland mitigation credits from the Loxahatchee Mitigation Bank (the “LMB”), a 1,256 acre parcel, which is owned and controlled by the SFWMD and is adjacent to the Loxahatchee National Wildlife Refuge.

In response, the applicant provided mitigation well in excess of that required by ERP regulations. The applicant purchased 35 freshwater herbaceous credits from the LMB. In the Report, the SFWMD concluded that “...wetland activities within the LMB will result in the restoration and enhancement of degraded herbaceous and forested wetlands within the historic limits of the Florida Everglades”. The SFWMD determined that all direct, secondary and cumulative impacts to wetlands and other surface waters were fully mitigated, and in fact, exceeded ERP mitigation requirements. For example, the SFWMD determined that a total of 21.1 mitigation credits were required. However, the applicant provided approximately 60% additional mitigation credits - a total of 35 mitigation credits. Wetland mitigation results in exchanging the degraded nonfunctional, environmentally damaging exotic invasive dominated isolated wetlands into a highly functioning and regionally significant location immediately contiguous with the current Everglades ecosystem, namely the National Loxahatchee Wildlife Refuge.

With regard to wetlands, 34.31 acres of wetlands, both isolated and contiguous, were identified on Parcel B. In the ERP Report, all of the wetlands were determined by the SFWMD to “*consist of low*

quality freshwater marsh wetlands which are heavily dominated by invasive exotic vegetation". Approximately 3.74 acres of wetlands were identified on Pod F, which the SFWMD likewise determined consisted of poor quality cypress swamp wetlands which are heavily dominated by invasive exotic vegetation. As acknowledged in the Letter, most agency personnel have concluded that the wetlands encompassed within the Project are of poor quality and exhibits deminimus wetland functions. The Letter acknowledges that agency staff characterized them as "crappy wetlands".

The Letter asserts that the Project is itself a remnant of the same wetland ecosystem of the historic Everglades. In fact, the lions-share of the southern half of Florida consists of historic Everglades habitat. In this case, these habitat values within the Project are heavily impacted by historic drainage activities, agricultural activities, troll elevations within the Acme Improvement District canal system, and other man-induced activities. The remnant habitat values in this urbanized area are not significant in any way, as confirmed by state and federal agencies.

Federal Jurisdictional Wetlands under the Clean Water Act and Regulations

By way of background, the federal wetland permitting program was delegated, through the United States Environmental Protection Agency, to the state of Florida's Florida Department of Environmental Protection (the "FDEP"), effective January 2021. FDEP now administers federal wetland permitting in Florida.

The Letter states that there are 139.22 acres of "federal wetlands". This is not accurate, as confirmed by environmental studies conducted within the Project area. Both the US Army Corps of Engineers (the "ACOE") and the FDEP, have participated in numerous site visits to identify any federal jurisdictional wetlands. Neither agency has ever identified anywhere near that number of federal jurisdictional wetlands. The reality is that less than 3 acres of federal jurisdictional wetlands or *Waters of the United States* within the Project boundaries remain un-permitted by the FDEP. As to the remaining federal jurisdictional wetlands within the Project, the applicant is actively working with the FDEP to specifically identify these jurisdictional wetlands and assess the ecological value of such wetlands that may be directly or indirectly impacted by the proposed Project. Over the last few months, the applicant has participated in several site visits with FDEP staff. The applicant will, of course, address any federal jurisdictional wetlands identified by the FDEP.

Moreover, following several years of review and site visits, the ACOE issued a permit in 2018 authorizing impacts to federal jurisdictional wetlands within Pod F. The agency staff report provided that "...approximately 38.09 acres of wetlands and 1.38 acres of surface waters" were authorized to be impacted". In return, the applicant preserved 10.72 acres of wetlands, which include a 1.6 acre upland buffer and provided compensatory mitigation credits, through the LMB, for 38.09 acres of direct and indirect impacts to heavily impacted and nonfunctioning wetland. The ACOE concluded that all direct and indirect wetland impacts are fully mitigated.

Water Quality

The Letter makes broad allegations asserting that the Project will result in adverse water quality and flooding impacts as a consequence of creating impervious areas and filling of wetlands. Such allegations are also patently inaccurate. Enhanced water quality treatment is accomplished by the operation and maintenance of the SWM system permitted by the SFWMD. In the ERP Report, the

SFWMD concluded that the Project *is* providing water quality treatment in excess of that required by the regulations. This ERP was modified in 2019 to include the remaining undeveloped areas of Pod F.

All of the Wellington South Project is located within the so-called *Basin B* of the Village, an SFWMD designation for heightened and increased water quality treatment and water quantity/flood protection requirements. Basin B encompasses approximately 8,680 acres which represents roughly the southern half of the Village. Additionally, for over 25 years the SFWMD and the Village have successfully implemented a comprehensive water quality monitoring program within Basin B.

Water Quantity/Flood Protection

The Letter again makes sweeping allegations concluding that the existing level of service of flood protection and drainage within the Village will somehow be compromised by the proposed Project. Not so. To the contrary, the Project will enhance the level of services flood protection and drainage. In fact, the Project will entail the construction and operation of a modern, interconnected SWM system. This system, once constructed and operational will include a series of water detention, retention, and lakes which will capture and detain stormwater, facilitate water quality treatment and percolation into the surficial aquifer, at the same time providing a higher level of flood protection and water quality treatment than currently exists. All of the Project areas will conform to the SFWMD ERP criteria and regulations for water quality treatment and water quantity/flood protection, as well as compliance with Village Permit Criteria and Best Management Practices for Stormwater Management.

As always, should you have any questions concerning any of the environmental aspects of the proposed Project, we remain available to address them at your convenience. Thank you.

Sincerely,



John J. Fumero

JJF/mdd

cc: Paige Bellissimo
Tim Stillings
Kelly Ferraiolo
Tim Stillings
Cory Cramer
Bonnie Miskel
David Milledge
Douglas McMahon
Mike Nichols
Michael F. Sexton
Jonathan Reinsvold